



Request for City Council Committee Action from the Department of Community Planning and Economic Development – Planning Division

Date: January 5, 2012

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the City Planning Commission associated with the approval of the site plan review application for a new single-story, 4,785 square foot drive-thru fast food restaurant in the C2 district on the properties located at 3110 East Lake Street and 2925 31st Avenue South. The appeal is associated with the following two site plan review conditions of approval:

3. The building shall be relocated to comply with the building placement provision outlined in Section 530.110 of the Zoning Code. This requires that the building be located within 8 feet of the property lines along East Lake Street and 31st Avenue South.
7. The principal entrances to the building shall connect to the public sidewalk along East Lake Street and 31st Avenue South via walkways that are not less than 4 feet in width.

Recommendation: The following actions were taken by the Planning Commission on December 12, 2011 (BZZ-5236):

A. Rezoning: Application by Landform, on behalf of McDonalds USA, LLC, for a petition to rezone a portion of the north side of the site from the R4 (Multiple-family) district to the C2 (Neighborhood Corridor Commercial) district for the properties located at 3110 E Lake St and 2925 31st Ave S.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 2925 31st Ave S from the R4 (Multiple-family) district to the C2 (Neighborhood Corridor Commercial) district.

B. Conditional Use Permit: Application by Landform, on behalf of McDonalds USA, LLC, for a conditional use permit for a fast food restaurant for the properties located at 3110 E Lake St and 2925 31st Ave S.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit application for a fast food restaurant with a drive-through facility on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. Applicant shall work with Planning Staff and Environmental Staff to ensure that the speaker levels are consistent with the standards in the Minneapolis noise control ordinance and that ambient sound adjusters are not used in the drive-up window.
3. All overhead lighting shall be turned off when the business is closed.

C. Variance: Application by Landform, on behalf of McDonalds USA, LLC, for a variance to allow more than one freestanding sign on the premises for the properties located at 3110 E Lake St and 2925 31st Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance application to allow a total of three freestanding signs on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following condition:

1. Each of the proposed freestanding signs shall be limited to four square feet.

D. Variance: Application by Landform, on behalf of McDonalds USA, LLC, for a variance to allow an increase in the allowable square footage for the freestanding signs for the properties located at 3110 E Lake St and 2925 31st Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance application to allow an increase in the allowable square footage for the freestanding signs on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following condition:

1. Each of the proposed freestanding signs shall be limited to four square feet.

E. Variance: Application by Landform, on behalf of McDonalds USA, LLC, for a variance to allow signage that exceeds the overall maximum sign budget for the properties located at 3110 E Lake St and 2925 31st Ave S.

Action: The variance application to allow an increase in the overall maximum sign budget on the properties located at 3110 E Lake St and 2925 31st Ave S has been **returned**.

F. Site Plan Review: Application by Landform, on behalf of McDonalds USA, LLC, for a site plan review for a new single-story, 4,785 square foot drive-thru fast food restaurant in the C2 district. The existing McDonalds on the premises will be demolished to accommodate the new facility located at 3110 E Lake St and 2925 31st Ave S.

Action: The City Planning Commission adopted the findings and **approved** the site plan review application for a new single-story, 4,842 square foot drive-through fast foot restaurant on the properties located at 3110 E Lake St and 2925 31st Ave S subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by January 13, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The building shall be relocated to comply with the building placement provision outlined in Section 530.110 of the Zoning Code. This requires that the building be located within 8 feet of the property lines along East Lake Street and 31st Avenue South.
4. The west elevation of the building shall include a larger window in the crew room and an evenly sized window in the manager's area
5. Clerestory windows shall be installed on the north elevation of the building.
6. In lieu of the required window areas and lack of even distribution on the south, east and west elevations of the building, a living wall system shall be incorporated on each elevation. The living wall shall cover no less than 20% of the building wall.
7. The principal entrances to the building shall connect to the public sidewalk along East Lake Street and 31st Avenue South via walkways that are not less than 4 feet in width.
8. No rock mulch shall be permitted on the final landscape plan.
9. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
10. A landscaped yard and screening equal to 95 percent shall be provided in the landscaped area between the parking area and the north and east sides of the property as required by Section 530.170 of the Zoning Code.
11. The applicant shall add zebra striped crosswalks connecting sidewalks on Lake Street as well as 31st Ave S.
12. The screening on the property shall be a minimum planting height of three feet.

Ward: 9

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Community Impact:

Neighborhood Notification: Notice of the Planning Commission hearing was mailed on November 18, 2011, and notice of the appeal was mailed on December 23, 2011.

- City Goals: See staff report

- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 120-day decision period: February 22, 2012
- Other: Not applicable

Background/Supporting Information:

Vicky Stadther, on behalf of McDonalds, has filed an appeal of the City Planning Commission's decision on December 12, 2011, to approve the site plan review application for a new single-story, 4,785 square foot drive-thru fast food restaurant in the C2 district on the properties located at 3110 East Lake Street and 2925 31st Avenue South. The appeal is associated with the decision of the City Planning Commission to approve the site plan review application with the following two conditions of approval requiring:

3. The building shall be relocated to comply with the building placement provision outlined in Section 530.110 of the Zoning Code. This requires that the building be located within 8 feet of the property lines along East Lake Street and 31st Avenue South.
7. The principal entrances to the building shall connect to the public sidewalk along East Lake Street and 31st Avenue South via walkways that are not less than 4 feet in width.

The minutes from the December 12, 2011, City Planning Commission meeting are attached. The Planning Commission voted 8-0 for items A, B, C, D and E; and 5-3 on item F to approve all land use applications.

The appellant's statement outlines reasons why the appeal should be granted and the two above listed conditions removed from the site plan review approval. The appellant's complete statement of the action being appealed and reasons for the appeal are attached.